

# THE COLORADO HIV AND AIDS PREVENTION GRANT PROGRAM (CHAPP)

## CHAPP ADVISORY COMMITTEE ORIENTATION

Monday, January 27, 2014



# Agenda

1:00 Welcome

1:10 Background

Epidemiological Profile

CDPHE Prevention Strategy

History and CHAPP's Place in the History

1:40 Mission – Role – Responsibilities

Legislation Review

Audit – July 2013

Roles and Responsibilities

- ▣ Recommendations to CDPHE – funding prevention activities
- ▣ How does our work fit with others' responsibilities – Coalition, Prevention Advisory Committee, etc.?
- ▣ Planning – Where do we fit?

2:15 Break

2:25 How We Work

Norms

Collaborative decision making

Robert's Rules of Sequence

Open meetings law

Ethics and procurement

Conflict of Interest

3:30 Discussion and Q-and-A

4:00 Adjourn

# Welcome



# Epidemiological Profile

Estimated Number of People Living in Colorado in 2011 with HIV/AIDS as of December 31, 2011

	Known HIV+	18% Unaware	Estimated Total HIV+	Target Number HIV Tests per Year <sup>^</sup>
<b>Total Number HIV+ persons living in Colorado as of 12/31/2011</b>	<b>11,346</b>	<b>2,491</b>	<b>13,837</b>	<b>188,637</b>
<b>HIV+ Men who have sex with men (includes MSM/IDU)</b>	<b>8,264</b>	<b>1,814</b>	<b>10,078</b>	<b>13,154</b>
<b>HIV+ Injecting Drug Users (excludes MSM/IDU)</b>	<b>848</b>	<b>186</b>	<b>1,034</b>	<b>5,056</b>
<b>HIV+ African-American Persons 13-64 years of age</b>	<b>1,643</b>	<b>361</b>	<b>2,004</b>	<b>29,397</b>
<b>HIV+ Hispanic Persons 13-64 years of age (includes all races)</b>	<b>2,122</b>	<b>466</b>	<b>2,588</b>	<b>141,030</b>
<b>HIV+ Persons by County at Diagnosis</b>				
<b>Adams County</b>	<b>711</b>	<b>156</b>	<b>867</b>	<b>26,066</b>
<b>Arapahoe County</b>	<b>1,128</b>	<b>248</b>	<b>1,376</b>	<b>24,848</b>
<b>Denver County</b>	<b>6,223</b>	<b>1,366</b>	<b>7,589</b>	<b>36,820</b>
<b>Douglas County</b>	<b>104</b>	<b>23</b>	<b>127</b>	<b>4,480</b>
<b>Jefferson County</b>	<b>617</b>	<b>135</b>	<b>752</b>	<b>13,399</b>
<b>Total 5 Metro Counties</b>	<b>8,783</b>	<b>1,928</b>	<b>10,711</b>	<b>105,612</b>
<b>All Other Counties</b>	<b>2,563</b>	<b>563</b>	<b>3,126</b>	<b>83,008</b>

<sup>^</sup>Denotes one HIV risk for each HIV test

Reference: STI/HIV Section, STI/HIV Surveillance Program (August 2012)

# Background



## CDPHE Prevention Strategy

- Testing
- Comprehensive Prevention with Positives
- Condom Distribution
- Policy Initiatives

# History

House Bill 06-1054, passed during the 2006 legislative session and signed by Governor Owens on June 6, 2006, appropriated funds to establish a “Colorado HIV and AIDS Prevention Grant Program.” The program will be administered by the Colorado Department of Public Health and Environment, Disease Control and Environmental Epidemiology Division.

## **Key Components:**

- Created to address local needs in the areas of medically accurate HIV and AIDS prevention and education through a competitive grant process
- Grants shall only be given for medically accurate HIV and AIDS prevention and education programs that are based in behavioral and social science theory and research
- Establishes an Advisory Committee to oversee the grant process and designates representation

# Legislation – Advisory Committee Composition

THE ADVISORY COMMITTEE SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AS FOLLOWS:

- (I) ONE MEMBER WHO IS RECOMMENDED BY THE DEPARTMENT'S MINORITY HEALTH ADVISORY COMMISSION;
- (II) FOUR MEMBERS WHO ARE RECOMMENDED BY A STATEWIDE COLLABORATIVE GROUP THAT ASSISTS THE DEPARTMENT IN THE DEPARTMENT'S COMPREHENSIVE PLAN FOR HIV AND AIDS PREVENTION;
- (III) ONE MEMBER WHO HAS EXPERTISE IN HIV AND AIDS PREVENTION AND EDUCATION; AND
- (IV) ONE MEMBER WHO REPRESENTS A CLINIC THAT RECEIVES MONEYS UNDER TITLE III OF THE FEDERAL "RYAN WHITE C.A.R.E.ACT OF 1990", AS AMENDED.

THE COMPOSITION OF THE ADVISORY COMMITTEE SHALL REFLECT, TO THE EXTENT PRACTICAL,COLORADO'S ETHNIC, RACIAL, AND GEOGRAPHIC DIVERSITY.

# Performance Audit – July 2013

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[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/CDCCD1ADAE5C7B1587257BCC00602671/\\$FILE/2201%20HIV%20Grant%20FINAL%20REPORT%20Aug%202013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/CDCCD1ADAE5C7B1587257BCC00602671/$FILE/2201%20HIV%20Grant%20FINAL%20REPORT%20Aug%202013.pdf)



# Audit Concern – July 2013

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**“The Program’s effectiveness is undermined by problems with allocating grant awards, poor monitoring of grantee performance, gaps in managing conflicts of interest, noncompliance with Colorado’s open meetings law, and a lack of clarity and common understanding about responsibilities and authority for Program administration and oversight.”**

# Audit Recommendations – July 2013

The Department should:

Improve the grant solicitation process to better provide targeted coverage of rural areas and respond to emerging needs.

Improve monitoring activities and take corrective action when appropriate to ensure the timely identification and resolution of grantee performance issues.

Strengthen the Program's conflict-of-interest policies, procedures, and practices.

Ensure compliance with Colorado's open meetings law and improve other aspects of Advisory Committee activities.

Clarify in Program rules and bylaws that the scope of the Advisory Committee's authority and responsibility with respect to the Program is advisory.

# Mission – Role – Responsibilities



## Roles and Responsibilities

- Recommendations to CDPHE – funding prevention activities
- How does our work fit with others' responsibilities – Coalition, Prevention Advisory Committee, etc.?
- Planning – Where do we fit?

# Mission – Role – Responsibilities

## **Roles and Responsibilities**

Oversees the competitive grant process

- Recommends the rules to be adopted by Board of Health including grant procedures, timelines, application content, criteria for selecting providers
- Determines the dollar amount and duration of grants, reporting requirements of providers, and qualifications of an adequate proposal
- Reviews the applications
- Submits a list of recommended grant recipients, grant amounts, and grant duration timelines to the Board of Health and the Executive Director

Shall consider the distribution of federal HIV/AIDS funds for prevention, education, and treatment

When reviewing and approving grant applications, the Advisory Committee and the Board of Health shall ensure that grants are distributed statewide and address the needs of both urban and rural residents of Colorado

Serve as the Materials Review Panel for printed outreach materials including newsletters, blogs, print ads, etc.

# Mission – Role – Responsibilities



## Roles and Responsibilities

- How does our work fit with others' responsibilities – Coalition, Prevention Advisory Committee, etc.?
- Planning – Where do we fit?

# Break



# How We Work



Norms

Collaborative decision making

Robert's Rules of Sequence

Open meetings law

Ethics and procurement

Conflict of Interest

# How We Work



## Norms

What are the values, expectations, mores, unspoken rules, ways-of-being, taboos, communication practices and ways-of-interacting that are considered 'proper' and 'normal' in this community?



# Collaboration



# Starts with Communication

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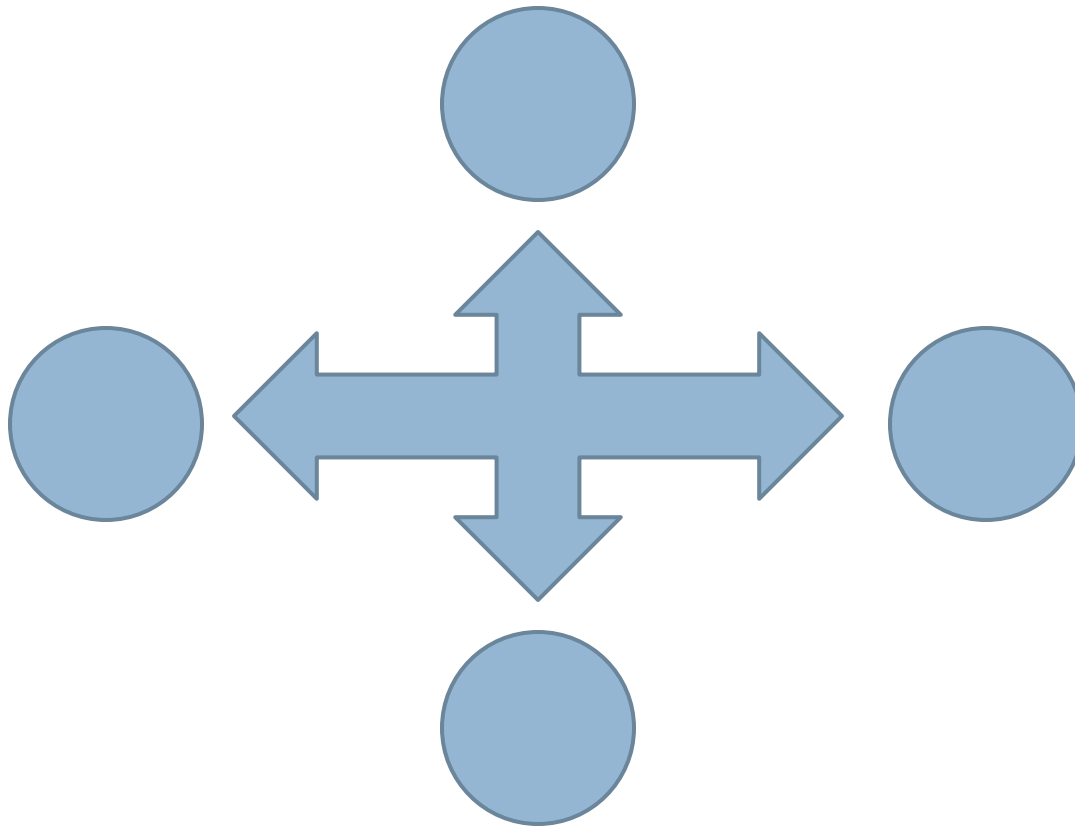


Too Often, We

Promote, Defend, Justify, Nit-Pick, Argue, Bully  
Ignore Some Facts and Highlight Others, One-Up  
Out-Wit, Criticize, Ascribe Motive, Denigrate

# Change Who Talks To Whom

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# One Thing at a Time

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- Carefully Define the Problem in the Stakeholder's Language
- Set Aside Solutions Until the Problem is Redefined

# Change How We Talk

Reframe the statement  
to get to the problem you can solve

‘I Say No to Prevention Strategy X’

-Becomes-

‘No to Strategy X because there is no scientific foundation establishing long-term effectiveness’

-Which becomes-

‘We have to find strategies that we can be confident in because there is sound scientific evidence for them and because they have been demonstrated to be effective in the long term’

# Reframing

- Translate Fixed Position (Strategy A must be the top priority/Strategy B must be the top priority) to Underlying Interest (Why you favor A or B)
- Translate Negative Statements (people will die unless...) to Positive Statements (we need to protect...)
- Translate Past Statements (you never/you always) to Future Statements (as we go forward, we ought to...)

UNDERLYING INTERESTS – POSITIVE – FUTURE

# Once you have the new statements...



You have the criteria for identifying the best possible solution

Then all you have to do is join in to solve the problem under its new definition

# The criteria guide the process and the best solutions emerge

- High-impact – meets the greatest needs
- Reduces new HIV infections
- Increases access to care and improve health outcomes for people living with HIV
- Reduces HIV-related health disparities
- Culturally appropriate
- Likely to gain acceptance
- Can be implemented
- Effectiveness – cost – cost-effectiveness
- Supported by evidence



# Robert's Rules of Sequence

## START WITH THE BASIC SEQUENCE FOR A MEETING

- ▣ Quorum – do we have enough in attendance to take action?
- ▣ Take Care of the Past – call the meeting to order and approve the minutes from the last meeting
- ▣ Reports Come Next – this can be subcommittee reports, a report from the chairs, a report from the agency
- ▣ Old Business After That – do we have unfinished business
- ▣ New Business – once we take care of what's unfinished, we begin with new items
- ▣ Adjourn

# Only What we Need Then Keep it Informal

Robert's Way of Documenting Decisions is Useful

- Make a Motion – 'I move that we approve...'
- Get a Second to the Motion
- Discuss the Motion
- Call the Question – Discussion is at an end or is starting to repeat
- 'All in Favor... Opposed... Abstaining' – Everyone goes on record

# Collaboration and Brig. Gen. Henry Martyn Robert

- Start with Collaborative Process and Consensus Building
- When a Consensus Emerges, Test it with a Vote
- Use Robert's Rules to Affirm and Ratify Consensus Decisions
- Decide in Advance What Happens if No Consensus
  - ▣ Continue to Work on the Issue in New Ways?
  - ▣ Majority?
  - ▣ Super Majority?
  - ▣ Agency Duty to Solve the Intractable Problems?
- Use Motion/Second, etc. for Majority and Super Majority Decisions
- Using Voting to Identify Proportion For/Against When Needed

# Open Meetings Requirements

## **The Public Trust**

The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials, and employees.

## **Colorado Sunshine Law Policy**

The Open Meetings Law states as its underlying policy that the formation of public policy is public business and may not be conducted in secret.

## **What Constitutes a Meeting?**

“Meeting” means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication. All meetings of two or more members of any state public body at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times. As a threshold matter, there must be a demonstrated link between the meeting and the policy-making powers of the government entity holding or attending the meeting.

## **Notice for Regularly Scheduled Meetings**

Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public

# Ethics and Procurement



# Any person...involved in the purchasing process, for the state, shall be bound by this code and shall:

- Avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications
- Demonstrate loyalty to the State of Colorado (state organization where employed) by diligently following the lawful instructions of the State of Colorado while using professional judgment, reasonable care, and exercising only the authority granted
- Conduct all purchasing activities in accordance with the laws, while remaining alert to, and advising the State of Colorado (state organization where employed) regarding the legal ramifications of the purchasing decisions
- Refrain from any private or professional activity that would create a conflict between personal interests and the interests of the State of Colorado (C.R.S., 18-8-308)

## **Any person...involved in the purchasing process, for the state, shall be bound by this code and shall:**

- Identify and strive to eliminate participation of any individual in operational situations where a conflict of interest may be involved
- Never solicit or accept money, loans, credits, or prejudicial discounts, and avoid the acceptance of gifts, entertainment, favors, or services from present or potential suppliers which might influence, or appear to influence purchasing decisions
- Promote positive supplier relationships through impartiality in all phases of the purchasing cycle
- Display the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the State of Colorado and the public being served

# Any person...involved in the purchasing process, for the state, shall be bound by this code and shall:

- Provide an environment where all business concerns, large or small, majority or minority owned, are afforded an equal opportunity to compete for State of Colorado business
- Enhance the proficiency and stature of the purchasing profession by adhering to the highest standards of ethical behavior

<http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadername1=Content-Disposition&blobheadername2=MDT-Type&blobheadervalue1=inline%3B+filename%3D1005%2F772%2FState+of+Colorado+Procurement+Code+of+Ethics+and+Guidelines.pdf&blobheadervalue2=abinary%3B+charset%3DUTF-8&blobkey=id&blobletable=MungoBlobs&blobwhere=1251698161682&ssbinary=true>



# TITLE 18. CRIMINAL CODE

## ARTICLE 8. OFFENSES - GOVERNMENTAL OPERATIONS

### PART 3. BRIBERY AND CORRUPT INFLUENCES, PART 4. ABUSE OF PUBLIC OFFICE

- ❑ 18-8-303. Compensation for past official behavior
- ❑ 18-8-304. Soliciting unlawful compensation
- ❑ 18-8-305. Trading in public office
- ❑ 18-8-306. Attempt to influence a public servant
- ❑ 18-8-307. Designation of supplier prohibited
- ❑ 18-8-308. Failing to disclose a conflict of interest
- ❑ 18-8-401. Definitions  
The definitions contained in [sections 18-8-101](#) and [18-8-301](#) are applicable to this part 4, unless a different meaning is plainly required.
- ❑ 18-8-402. Misuse of official information
- ❑ 18-8-403. Official oppression
- ❑ 18-8-404. First degree official misconduct
- ❑ 18-8-405. Second degree official misconduct
- ❑ 18-8-406. Issuing a false certificate
- ❑ 18-8-407. Embezzlement of public property
- ❑ 18-8-408. Designation of insurer prohibited
- ❑ 18-8-409. Violation of rules and regulations of judicial nominating commissions not subject to criminal prosecution

## ARTICLE XII: Conflict of Interest

- “...engagement in an official act or recommendation of the Review Committee which may be influenced by a real or perceived direct economic benefit from an enterprise in which the member has a direct or substantial financial interest...where the member has a personal or professional interest that would interfere with participating objectively”
- “...disclose the conflict of interest before the discussion begins or as soon thereafter as the conflict is perceived... can then either disqualify him or herself from any further participation or voting on the matter at hand...”
- “...if a conflict is found to exist, the member disclosing the conflict of interest may be disqualified from discussion and/or voting on the matter at hand depending on the degree of conflict of interest”
- “...a conflict of interest may also be raised by other Review Committee members or any member of the public in attendance”
- “...any Review Committee member wishing to disengage from a required task or duty of the Review Committee shall notify the Review Committee and give citation of possible conflict of interest to the Chairperson
- “...dispensation from voting or duty shall pertain only to the specified vote or duty

# Conflict of Interest

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PAGE 5-HOUSE BILL 06-1054

“(3) IF A MEMBER OF THE ADVISORY COMMITTEE HAS AN IMMEDIATE PERSONAL, PRIVATE, OR FINANCIAL INTEREST IN ANY MATTER PENDING BEFORE THE ADVISORY COMMITTEE, THE MEMBER SHALL DISCLOSE THE FACT AND SHALL NOT VOTE UPON THE MATTER.”

## Conflict of Interest Matrix

Type of Conflict	Discuss	Vote
<b>1. Principal investigator</b>	No	No
<b>2. Same organization / involved in application</b>	No	No
<b>3. Same organization / not involved in application</b> <b>Note:</b> Ability to vote to be determined by Review Committee after discussion of potential conflict	Yes	No - See <b>Note</b>
<b>4. Other organization / involved in application</b> <b>Note:</b> Ability to discuss to be determined by Review Committee after discussion of potential conflict	No - See <b>Note</b>	No
<b>5. Direct competitor</b>	No	No
<b>6. Indirect competitor</b> <b>Note:</b> Ability to discuss and vote to be determined by Review Committee after discussion of potential conflict	Yes - See <b>Note</b>	No -See <b>Note</b>
<b>7. Non-financial, personal/professional conflict</b> <b>Note:</b> Ability to discuss and vote to be determined by Review Committee after discussion of potential conflict	<b>Maybe – see note</b>	<b>Maybe – see note</b>

# CHAPP Advisory Committee Member At-a-Glance Conflict of Interest

Type of Conflict & explanation: (see matrix above) Application/Solicitation Name & Number

Type of Conflict Application/Solicitation Name & Number	Principal investigator		Same organization / involved in application		Same organization / not involved in application		Other organization / involved in application		Direct competitor		Indirect competitor		Non-financial, personal/professional conflict	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No

No conflict

If you checked yes for any application/solicitation; please provide an explanation of the conflict

# Discussion and Q-and-A

